

### **REMARKS**

Claims 1-4, 6-12, 14-34, and 36-40 are now pending in the application. Claims 5, 13 and 35 are cancelled. Claims 1, 6, 9, 10, 19, 27-31, and 36 have been amended. Support for the amendments may be found in the Applicant's specification and drawings as originally filed. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

### **ALLOWABLE SUBJECT MATTER**

Applicants thank the Examiner for the indication of allowable claims 21-26, 39 and 40.

### **REJECTION UNDER 35 U.S.C. § 102**

Claims 27-30 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Drohman (U.S. Pat. No. 2,589,234). This rejection is respectfully traversed. At the outset, Applicants note that claim 27 has been amended to recite "at least one of said bit receiving portions defined by a first incomplete radial wall portion having a cylindrical wall defining a height extending a distance along an axis defined by a bit housed therein". Applicants respectfully submit that Drohman does not anticipate, teach or suggest such a feature. Drohman provides drill bit panels 16 and 16a having intermediate supports 20 and 20a and panels 17 and 17a on an upper surface. As illustrated in FIG. 3 of Drohman, the supports 20, 20a and the panels 17, 17a each define sockets 18 and 21, respectively. The sockets however are simply holes defined through the thin supports 20, 20a and panels 17, 17a. The cylindrical wall of the instant

invention defines a height suitable to guide the bit downward while inserting a bit therein, see, e.g., FIGS 10B, 11B, and 12B.

Drohman does not anticipate, teach or suggest a first incomplete radial wall portion having a cylindrical wall defining a height extending a distance along an axis defined by a bit housed therein, as claimed. Accordingly, Applicants request that the Examiner reconsider and withdraw the rejections to claims 27-30.

#### **REJECTION UNDER 35 U.S.C. § 103**

Claims 1, 2, 5, 9, 10, and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Drohman (U.S. Pat. No. 2,589,234) in view of Budert (U.S. Pat. No. 6,547,077) and Lai (U.S. Publication No. 2003/0010660). This rejection is respectfully traversed.

At the outset, Applicants note that claim 1 has been amended to recite “said plurality of bit holders each having a frame defining a front and rear face, each of said frames having a sleeve secured around said front and rear face”. Claim 1 has further been amended to recite “wherein each of said frames and sleeves extend an entire length of said plurality of bit receiving portions”. Applicants respectfully submit that neither Drohman, Budert nor Lai teach or suggest such a feature.

As described above, Drohman provides drill bit panels 16 and 16a having intermediate supports 20 and 20a and panels 17 and 17a on an upper surface. The supports 20 and 20a are simply thin sheets having apertures for receiving the bits. Drohman does not teach or suggest frames having sleeves secured around a front and

rear face wherein each of the frames and sleeves surround an entire length of the plurality of bit receiving portions.

Budert provides a receiving device 4 made entirely of injected-molded plastic (Col. 3, Lines 45 – 50). Lai appears to show a tool box having bit receiving portions integrally formed with the base of the tool box. In this way, Drohman alone or in combination with Budert and Lai fails to teach or suggest frames having sleeves that each extend an entire length of the plurality of bit receiving portions. Accordingly, Applicants request that the Examiner reconsider and withdraw the rejections to claims 1, 2, 9, 10, and 11.

Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Drohman (U.S. Pat. No. 2,589,234) in view of Budert (U.S. Pat. No. 6,547,077) and Lai (U.S. Publication No. 2003/0010660) and further in view of Riess (U.S. Pat. No. 4,934,530). This rejection is respectfully traversed. Riess provides a standing case having receptacles 3 and 4. The receptacles 3, 4 do not provide a frame and sleeve configuration as provided in claim 1 of the instant invention. In view of the amendments with respect to claim 1 and the discussion above, Applicants submit that claim 6 is in condition for allowance.

Claims 3, 4, 7 and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Drohman (U.S. Pat. No. 2,589,234) in view of Budert (U.S. Pat. No. 6,547,077) and further in view of Hout (U.S. Pat. No. 2,564,601). This rejection is respectfully traversed. Hout provides a plurality of drill-holding members 15 each comprising a single piece of sheet metal. The sheet metal is bent inwardly at right angles to form side flanges 15a. The front portion of each of the drill holders is bent

around its respective rod 14. The piece of metal is further bent to extend rearwardly 15e and bent vertically to form 15f. Hout does not provide the frame and sleeve configuration as provided in claim 1 of the instant invention. In view of the amendments with respect to claim 1 and the discussion above, Applicants submit that claims 3, 4, 7 and 8 are in condition for allowance.

Claims 12 and 14-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Drohman (U.S. Pat. No. 2,589,234) in view of Hout (U.S. Pat. No. 2,564,601). This rejection is respectfully traversed. At the outset, Applicants note that claim 12 has been amended to recite “at least two hinge arms formed along a thickness of each respective bit holder and wherein portions of said hinge arms extend at an angle through said cutouts on said hinge faces in said closed position”. Applicants respectfully submit that neither Drohman nor Hout teach or suggest such a feature.

As illustrated in FIGS. 2 and 5 of Drohman, the sleeves 16 and 16a (hinge arms) directly connect to the hinge 13. The panels 17 and 17a, on the other hand, simply connect to the hinge 13 by way of the sleeves 16 and 16a. Specifically, panel 17 is attached to the sleeve 16 only at a front face. Similarly, panel 17a is attached to the sleeve 16a only at a rear face.

Applicants submit that the hinge arm configuration provided by Drohman does not provide the strength and durability of the hinge arm configuration of the instant invention. Specifically, the hinge arms of the instant invention are formed along a thickness of each respective bit holder. See e.g. FIGS. 10B, 11B and 12B. In order to align such hinge arms between the hinge and the respective bit holders, each hinge arm passes through the openings at an angle.

With respect to Hout, each of the drill holding members 15 are configured to simply tilt about their own dedicated horizontal rod. See phantom view of a tilted drill holding member 15 in FIG. 2. In this way, Hout (or Drohman) does not anticipate or address the challenges presented by having multiple pages rotatable about a common hinge. Therefore, Drohman alone or in combination with Hout fails to teach or suggest at least two hinge arms formed along a thickness of each respective bit holder and wherein portions of the hinge arms extend at an angle through the cutouts on the hinge faces in the closed position. Accordingly, Applicants request that the Examiner reconsider and withdraw the rejections to claims 12 and 14-18.

Claims 19 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Drohman (U.S. Pat. No. 2,589,234) in view of Riess (U.S. Pat. No. 4,934,530). This rejection is respectfully traversed. At the outset, Applicants note that claim 19 has been amended to recite “a plurality of bit holders having laterally extending ridges extending in a direction generally parallel to said hinge”. Applicants respectfully submit that neither Drohman nor Riess teach or suggest such a feature.

The Examiner states “as the portion of the drill bit holder that is most likely to be engaged by the user of Drohman is the bit lateral side of the bit holder, it would have been obvious to one of ordinary skill in the art to modify the lateral side of the bit holders of Drohman with the ridges as taught by Riess to improve the grip on the tool holder”. Applicants disagree. Applicants argue that this feature does not illustrate or imply ridges. As viewed in FIG. 2 of Riess, this feature does not present any height on the sides of the cover 2. Applicants argue that at best Riess may imply a gripping detail on the cover 2 of the case. The gripping detail is illustrated as generally perpendicular to a

pivot pin 11 of the cover 2. Riess makes no teaching or suggestion to provide the bit holders with a gripping detail, rather, the closure part 8 is used “to facilitate the fanning out of the receptacles 3, 4”. Because the closure part 8 is used to facilitate the fanning out of the receptacles 3, 4 there is no motivation in Riess to apply a gripping feature (such as the gripping feature appearing to be shown in FIG. 1) to the receptacles 3, 4. Applicants further argue that because there is no motivation in Riess to apply the gripping feature to the bit holders, it would not be obvious to use a feature (gripping detail) disclosed on a cover of a tool case from one reference (Riess) and apply that feature to a distinct component (bit holders) of another reference (Drohman). In sum, neither of these references, alone or in combination, teach or suggest a plurality of bit holders having laterally extending ridges formed on a side opposite the hinge and extending in a direction generally parallel to the hinge. Accordingly, reconsideration and withdrawal of the rejection of claims 19 and 20 are respectfully requested.

Claims 31-34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Drohman (U.S. Pat. No. 2,589,234) in view of Hout (U.S. Pat. No. 2,564,601) and further in view of Blick (U.S. Pat. No. 6,431,373). This rejection is respectfully traversed. At the outset, Applicants note that claim 31 has been amended to include “a pair of common bit size identifiers integrally formed on each of said plurality of bit holders, one of said pair formed on each of said front sides and the other of said pair formed on each of said rear sides of said plurality of bit holders”. Applicants submit that neither Drohman, Hout nor Blick teach or suggest such a feature.

Applicants submit that Blick simply discloses a socket holder for accommodating sockets 59 onto slidable support members 27. The socket holder is standalone and,

therefore, Blick does not suggest repetitive manipulation (such as indexing) of the socket holder during use. Moreover, Blick suggests the use of a magnetic base to further strengthen a static condition while in use. Blick illustrates a stand-alone message insert 69 attachable to depressions 55 and 57. The bit size identifiers of the instant invention are integrally formed on the bit holders. As a result, the integrally formed bit size identifiers are more durable and tend to resist wear from repetitive manipulation of the bit holders (e.g. indexing of pages, etc.). In sum, the combination of Drohman, Hout and Blick fails to teach or suggest a pair of common bit size identifiers integrally formed on each of the plurality of bit holders, one formed on each of the front sides and the other formed on each of the rear sides of the plurality of bit holders. Accordingly, reconsideration and withdrawal of the rejection of claims 31-34 are respectfully requested.

Claims 36-38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Drohman (U.S. Pat. No. 2,589,234) in view of Hallee (U.S. 2004/0144671). This rejection is respectfully traversed. At the outset, Applicants note that claim 36 has been amended to more clearly define the structure of the storage container. Specifically, claim 36 has been amended to recite "front and rear housing portions each including bottom protruding sections extending to said second common plane and hinge protruding section extending to said first common plane". Claim 36 further includes "said bottom protruding sections on said front housing portion defined parallel to and outboard of said front face". Applicants respectfully submit that neither Drohman nor Hallee teach or suggest such features.

Hallee provides a casing 12 having a band of elastomeric material 44 defining a flat tread pattern 46 on each short sides 20 and 22 of the case 12. The elastomeric material 44 does not extend outboard of the front and rear face of the casing 12. The present invention provides structure for achieving a wide footprint while standing on a bottom face (See e.g., FIGS. 1 and 2 of the present disclosure). A wide footprint makes the container of the present invention significantly more stable than the relatively narrow footprint provided by the elastomeric material 44 of Hallee. Accordingly, reconsideration and withdrawal of the rejection of claims 36 – 38 are respectfully requested.




## CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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